

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Civ. No. 20-Civ-02663-JMA-ARL

JUSTYNA ZUBKO-VALVA, as Mother and Natural
Guardian of ANTHONY VALVA and ANDREW VALVA,
and as Administratrix of the Estate of THOMAS VALVA
and JUSTYNA ZUBKO-VALVA individually,

Plaintiff(s),

-against-

THE COUNTY OF SUFFOLK, CPS SENIOR CASEWORKER
MICHELE CLARK, Individually and in her Official Capacity,
CPS SUPERVISOR EDWARD HEEPE, Individually and in his
Official Capacity, CPS ASSISTANT DIRECTOR ROBERT LETO,
Individually and in his Official Capacity, CPS INVESTIGATOR
JENNIFER LANTZ, Individually and in her Official Capacity, CPS
INVESTIGATOR MELISSA ESTRADA, Individually and in her
Official Capacity, CPS INVESTIGATOR LYDIA SABOSTO,
Individually and in her Official Capacity, CPS SUPERVISOR
JEAN MONTAGUE, individually and in her Official Capacity,
DEPARTMENT OF SOCIAL SERVICES COUNTY ATTORNEY
RANDALL RATJE, ESQ., Individually and in his Official Capacity,
ATTORNEY FOR CHILDREN DONNA MCCABE, ESQ., Individually
and in her Official Capacity, THE LAW OFFICE OF DONNA
MCCABE, SHANA CURTI, ESQ., Individually and in her Official
Capacity, ORSETTI & CURTI PLLC, EAST MORICHES UNION
FREE SCHOOL DISTRICT, PRINCIPAL EDWARD SCHNEYER,
Individually and in his Official Capacity, SCHOOL
SUPERINTENDENT CHARLES RUSSO, Individually and in his
Official Capacity, HOPE SCHWARTZ ZIMMERMAN, Individually,
ATTORNEY FOR CHILDREN ETHAN HALPERN, ESQ., Individually
and in his Official Capacity, THE LEGAL AID SOCIETY of SUFFOLK
COUNTY, INC., CHILDREN'S LAW BUREAU, MICHAEL VALVA,
and ANGELA POLLINA,

**NOTICE OF MOTION TO
DISMISS PURSUANT TO
FRCP 12 (b) (6)**

Defendant(s).

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MOTION BY:

MONTFORT, HEALY, McGUIRE & SALLEY LLP
Michael J. Boranian, Esq. (MB 1576) and
Joseph R. Crafa, Esq., Of Counsel (JRC 8092)
Attorneys for Defendant(s), ATTORNEY FOR CHILDREN DONNA MCCABE, ESQ., Individually and in her Official Capacity and THE LAW OFFICE OF DONNA MCCABE
840 Franklin Avenue
P.O. Box 7677
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DATE, TIME &

PLACE OF HEARING:

In accordance with the Briefing Schedule entered on October 22, 2020.

SUPPORTING PAPERS:

Affidavit of Donna McCabe, ESQ. dated December 15, 2020, exhibits annexed thereto and the accompanying Memorandum of Law

RELIEF DEMANDED:

An Order, pursuant to FRCP 12(b) (6) dismissing plaintiff's complaint in its entirety as against Attorney for Children Donna McCabe, Esq., Individually and in her Official Capacity and The Law Office of Donna McCabe as plaintiff's complaint fails to state a cause of action upon which relief can be granted as a matter of law.

OTHER RELIEF:

Such other and further relief as to this Court may seem just, proper and equitable in the premises.

ORAL ARGUMENT:

It is respectfully requested that the Court permit Oral Argument of the within motion at the time all motion papers, opposition and reply are submitted.

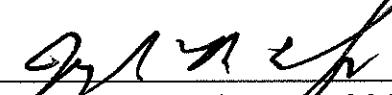
Dated: Garden City, New York
December 15, 2020

Yours, etc.,

MONTFORT, HEALY, McGUIRE & SALLEY LLP

BY: 

Michael J. Boranian, Esq. (MB 1576) and


Joseph R. Crafa, Esq., Of Counsel (JRC 8092)

Attorneys for Defendant(s), ATTORNEY FOR CHILDREN
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TO:

Plaintiff

Justyna Zubko-Valva
*as Mother and Natural Guardian of
Anthony Valva and Andrew Valva, and as
Administratrix of the Estate of Thomas
Valva*

represented by **Jin-Young Han**
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Defendant

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Defendant

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Defendant

CPS Investigator Jennifer Lantz
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CPS Supervisor Jean Montague
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LEAD ATTORNEY
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Defendant

**Department of Social Services County
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Defendant

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Defendant

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Laura A. Endrizzi

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Defendant

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Defendant

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Defendant

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Defendant

Childrens Law Bureau

Defendant

Michael Valva

Defendant

Angela Pollina